

### **AMENDMENTS TO THE CLAIMS**

1. (Currently Amended) A spinal rod approximator system ~~device for moving a spinal rod into the rod-receiving member of a spinal implant, the device~~ comprising:

a spinal implant having a rod-receiving member; and

a spinal rod approximator having

an implant-gripping member having a u-shaped distal portion that extends in a direction substantially transverse to a longitudinal axis of a proximal portion of the implant-gripping member, the u-shaped distal portion including opposed legs that extend ~~are adapted to be positioned~~ under a distal end of a the rod-receiving member of a the spinal implant, ~~the opposed legs defining an opening therebetween having a central axis that is substantially parallel to the longitudinal axis of the proximal portion of the implant-gripping member;~~

a rod-engaging member slidably coupled to the implant-gripping member along the longitudinal axis of the proximal portion at a position proximal to the implant-gripping member, the rod-engaging member having a distal portion that extends transverse to a proximal portion; and

a pusher member freely-rotatably coupled to at least one of the implant-gripping member and the rod-engaging member and threadably mated to the other one of the implant-gripping member and the rod-engaging member such that rotation of at least a portion of the pusher member is effective to move at least one of the implant-gripping member and the rod-engaging member with respect to one another.

2. (Original) The device of claim 1, wherein the distal portion of the rod-engaging member comprises opposed arms each having a rod-receiving recess formed on a distally-facing surface thereof.

3. (Cancelled).

4. (Withdrawn – Currently Amended) The device of claim 1, wherein a proximal facing surface of the U-shaped ~~member~~ distal portion is substantially concave.

5. (Currently Amended) The device of claim 1, wherein at least a portion of the U-shaped ~~member~~ distal portion is substantially planar.

6. (Withdrawn) The device of claim 1, wherein the distal portion of the rod-engaging member comprises opposed arms, and the opposed arms of the rod-engaging member being spaced apart from one another by a distance that is greater than a distance between the opposed legs of the implant-gripping member.
7. (Cancelled).
8. (Previously Presented) The device of claim 1, wherein the pusher member comprises a threaded rod extending through a threaded bore formed in a portion of the implant-gripping member, and wherein the threaded rod includes a distal end mated to a portion of the rod-engaging member.
9. (Original) The device of claim 8, wherein the threaded rod includes a handle member formed on a proximal end thereof.
10. (Original) The device of claim 1, wherein the pusher member is fixedly, but freely-rotatably coupled to the implant-gripping member and it is releasably, threadably mated to the rod-engaging member.
11. (Withdrawn) The device of claim 10, further comprising a release mechanism adapted to release a threaded engagement between the pusher member and the rod-engaging member.
12. (Currently Amended) A spinal rod approximator, comprising:  
first and second components slidably coupled to one another and adapted for relative movement along a longitudinal sliding axis, the first component including an implant-gripping portion offset from the sliding axis and a u-shaped distal portion having opposed legs that are adapted to be positioned under a distal end of a rod-receiving member of a spinal implant, and the second component including a rod-engaging portion offset from the sliding axis and being adapted to engage a spinal rod to move the spinal rod toward the rod-receiving member of the spinal implant being engaged by the implant-gripping portion, the opposed legs of the u-shaped distal portion extending outward from the implant-gripping portion at the same axial height on the

implant-gripping portion; and

an actuator threadably coupled to one of the first and second components and effective to move at least one of the components with respect to the other component.

13. (Cancelled).

14. (Previously Presented) The spinal rod approximator of claim 12, wherein the actuator member comprises an elongate rod having a threaded portion adapted to threadably couple to the first component, and having a portion fixedly, but freely-rotatably mated to the second component, such that rotation of the actuator member is effective to move the second component with respect to the first component.

15. (Withdrawn – Currently Amended) The ~~device~~ spinal rod approximator of claim 14, further comprising a release mechanism adapted to release the threaded engagement between the actuator member and the first component.

16. (Original) The spinal rod approximator of claim 12, wherein the implant-gripping portion and the rod-engaging portion each extend in a direction substantially transverse to the sliding axis.

17-32. (Cancelled).